



Action Agenda

Board of Commissioners
December 9 , 2010
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on December 9 , 2010, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Jack Smith, Chairman
Herb Frady, Vice Chairman
Robert Horgan
Eric Maxwell

Commissioner Absent:

Lee Hearn

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant

Call to Order, Invocation and Pledge of Allegiance.

Chairman Smith called the meeting to order and offered an invocation, followed by the Pledge of Allegiance. He stated that Commissioner Hearn would not be in attendance at the meeting because of illness.

Acceptance of Agenda.

Commissioner Horgan made a motion to accept the agenda as published with the exception that staff had requested that Item 4 under the Consent Agenda be removed. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

PUBLIC HEARING:

- A. Consideration of adoption of Ordinance No. 2010-11, proposed amendments to the Fayette County Code of Ordinances, by the addition of Chapter 20. Fayette County Zoning Ordinance, in its entirety, and proposed amendments to the Fayette County Comprehensive Plan Text and Map. The Planning Commission unanimously recommended approval 4-0.

Director of Community Development Pete Frisina explained that the document under consideration was a comprehensive revision of the County's Zoning Ordinance and that work on it had been underway for more than a year. He told them that this issue had been discussed at several Workshops of the Board of Commissioners and the Planning Commission and that the final public hearing before the Planning Commission was recently held.

No one from the public spoke in favor or in opposition to the adoption of the proposed Ordinance.

Commissioner Frady made a motion to approve Ordinance 2010-11, enacting a new Fayette County Zoning Ordinance; to include the Zoning Ordinance as Chapter 20 of the Fayette County Code; and to approve Resolution 2010-18 which adopts related amendments to the Fayette County Comprehensive Plan Text and Map; and to authorize the Chairman to execute the Ordinance and Resolution as adopted. Commissioner Frady seconded the motion. Commissioners Smith, Frady and Horgan voted in favor of the motion. Commissioner Maxwell opposed the motion. The motion carried 3-1. Commissioner Hearn was absent.

PUBLIC COMMENT:

Mr. Harold Bost presented information to the Board clarifying his official residency, in dispute of a long-time claim that he had resigned from his position as County Commissioner in 2001 because he had moved to Florida.

Mr. Dennis Chase advised the Board of his various efforts to discredit Fayette County with state and federal agencies responsible for permitting and managing public water projects and other projects requiring environmental monitoring, including the construction of the West Fayetteville Bypass.

Ms. Eilsey Huston told the Board of her displeasure with the construction of the West Fayetteville and her opinion that the funds could be better utilized on other projects.

Mr. Steve Smithfield presented the Board with a written statement of his remarks largely related to his opposition to the West Fayetteville Bypass. He asked that his written remarks be made a part of the official record.

Mr. Paul Parchert told the Board he resides on Janice Drive and that the "developers'" roadway will be within feet of his home and how disappointed he is to have to endure this situation when he had moved onto Janice Drive because it was dead-end street that he had hoped would remain quiet and traffic-free. He expressed dismay that the Bypass had been named Veterans Parkway

Ms. Angela Hinton Fonda made remarks concerning Item 14 on the Consent Agenda which related to policies of the Human Resources Department which address scheduled pay increases.

Mr. Paul Irwin told the Board he was a long-time resident of Brown Road which would be affected by Phase III of the West Fayetteville Bypass and that he was disappointed that the County had not talked to the residents of Brown Road about the Bypass before now. He said the recommended speed limit of 45 for Phase III would not be an appropriate speed limit where the road goes through residential neighborhoods.

Mr. Tom Halpin commented on the remarks made by Ms. Hinton-Fonda concerning giving pay raises to county employees and questioned the legality of the provisions proposed in Item 14 of the Consent Agenda.

CONSENT AGENDA:

Commissioner Horgan made a motion to approve the Consent Agenda as published with the exception of Items 4 and 14. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

1. Approval of staff's recommendation for a 12-month extension to FY 2010's Bid #734 as approved by the Board of Commissioners on March 11, 2010 which contracts with Curb Specialist for miscellaneous concrete work.

2. Approval of staff's recommendation for a 12-month extension to FY 2010's Bid #748 as approved by the Board of Commissioners on April 22, 2010 which contracts with Hanson Aggregates of Tyrone as the source to purchase course aggregate.
3. Approval of staff's recommendation to install an 8' wide asphalt multi-use path along a portion of the West Fayetteville Bypass (Lester Road section) from Cleveland Elementary to the intersection of Huie Road and Old Heritage Road, (SPLOST Project No. R-28).
4. Approval of Sheriff's Office request to amend the FY 2011 Overtime Budget for the Sheriff's Office Criminal Investigations Division by \$2,903.48 for reimbursement for employees assigned to work with various Federal Agencies.

Item 4 was removed upon the request of staff who advised the Board that the request had been combined with Item 5.

5. Approval of Sheriff's Office request to amend the FY 2011 Overtime Budget for the Sheriff's Office Criminal Investigations Division by \$5,533.49 for reimbursement for employees assigned to work with various Federal Agencies.
6. Approval of staff's request for permission to dispose of firefighter uniforms that are no longer serviceable.
7. Approval of staff's request to increase Fire Services FY 2011 Donations/Miscellaneous Revenue Account by \$1,400 and to increase the Food/Catered Meals Expense Account by \$1,400 to account for donations from various companies.
8. Approval of staff's request for permission to accept a grant for WEBEOC Fusion software in the mount of \$19,720 from the Georgia Emergency Management Agency's FY 2010 Homeland Security Grant Program for sequel software and a server.
9. Approval of staff's request to accept an equipment grant funded by the Georgia Trauma Care Network Commission in the amount of \$2,166.
10. Approval of staff's recommendation to reappoint Peachtree City Assistant Chief Peki Prince as one of the three representatives from Fayette County to Region Four EMS Council, said term effective July 1, 2010 and expiring on June 30, 2012.
11. Approval of Intergovernmental Agreement with Peachtree City related to the transportation projects and the use of 2004 Special Purpose Local Option Sales Tax proceeds in the amount of \$25,000.
12. Approval of staff's request to proceed with updates to the County's Policies and Procedures Manual sections for Eligibility Verification of Non-Citizen Applicants for Benefits, Investments, Travel, and Budget.
13. Approval of staff's recommendation to accept and budget a donation of \$100 from Brown's River Marotti Company.

14. Approval of staff's request to proceed with updates and minor modifications to various Human Resources policies contained within the County's Policies and Procedures Manual.

Item 14 was removed upon the request of Commissioner Maxwell who said that since the item had been questioned by Ms. Hinton-Fonda under Public Comment, he would like to have the County Administrator discuss the item with her for clarification and that any needed action by the Board could be rescheduled for a later meeting.

15. Approval of a request for the County to abandon a portion of John Street.
16. Approval of adoption of Ordinance 2010-12, proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article V.
17. Approval of a request from the City of Fayetteville to rescind the Intergovernmental Agreement between Fayette County and the City of Fayetteville for the LaFayette Extension Project, previously adopted on August 26, 2010.
18. Approval of Main Street Fayetteville's request to construct a short segment of sidewalk from the Stonewall Avenue/Glynn Street corner to access parking spaces adjacent to the gazebo.
19. Approval of Resolution No. 2010-19 to abandon right-of-way totaling 65 square feet on Melanie Lane.
20. Approval of permanent display depicting the foundations of American Law and Government for the Justice Center.
21. Approval of appointments to various boards and committees.
22. Approval of minutes for Board of Commissioners' meeting held on November 18, 2010.

OLD BUSINESS:

- B. Continued consideration of a request from the City of Fayetteville concerning a proposed transportation project related to the intersection of State Highway 92, Hood Avenue, and State Route 85.

County Administrator Jack Krakeel reminded the Board that City officials had brought this issue before them at two Workshop meetings and that if the County and City were to go to partner to build this project, an Intergovernmental Agreement would need to be executed. Such an agreement would define the role of both entities.

Commissioner Horgan made a motion to approve an Intergovernmental Agreement between the County and the City of Fayetteville allowing the two entities to undertake construction of a transportation project known as Project R-12 The Hood Avenue Connector/SR 92 Realignment and to authorize the Chairman to execute said Agreement. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

- C. Further discussion of the 2010 Comprehensive Transportation Plan and adoption of Resolution No. 2010-20 supporting the Plan.

Public Works Director Phil Mallon gave a brief overview of the process that had led to the completion of the proposed new Comprehensive Transportation Plan. He told the Board that he would like to have the Board take an action that would accept the Plan as the County's base document for transportation planning.

Commissioner Frady made a motion to adopt Resolution 2010-20 supporting the 2010 Comprehensive Transportation Plan, its policies, and its project recommendations as the County's base document for transportation planning and authorization for the Chairman to execute said Resolution. Commissioner Horgan seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

- D. Further consideration of staff's request from the Sheriff's Department for funding for repairs in the shower areas of inmate cell blocks in the jail.

Major Charlie Cowart of the Sheriff's Department had further discussion with the Board about the need to address issues of mold in the shower areas of the County Jail. The Board suggested that Mr. Cowart gather more information about alternative methods for alleviating the problem, cost comparisons, the sequence of activities that would provide a remedy for the problem, and the time frame during which repairs would occur. The Board expressed support for resolving the issue but asked that more definitive information be provided before authorizing funds for the repairs.

- E. Further consideration of staff's request from the Sheriff's Department concerning the need and cost for bringing the former jail facility into temporary operation.

See Item D above.

NEW BUSINESS:

- F. Consideration of staff's recommendation to purchase stream and wetland mitigation credits for the West Fayetteville Bypass Project, Phase 2 (SPLOST No. R-5) from the Flint River Mitigation Bank, via Mitigation Management, LLC for the amount of \$214,086.

Public Works Director Phil Mallon told the Board that stream and mitigation credits were needed for the West Fayetteville Project and that quotes had been solicited from four mitigation banks that had credits available to acquire. He said the recommended vendor, Flint River Mitigation Bank, offered the best price and had issued a further discount once it was determined they were the low bidder.

Commissioner Horgan made a motion to authorize staff to proceed with the purchase of stream and wetland mitigation credits for Phase II of the West Fayetteville Bypass from the Flint River Mitigation Bank, utilizing Mitigation Management, LLC, in the amount of \$214,086; and authorization for the Chairman to execute any subsequent required documents, pending review and approval by the County Attorney. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

- G. Discussion of staff's recommendation for the alignment of Phase 3 of the West Fayetteville Bypass (SPLOST Project No. R-28b).

Director of Public Works Phil Mallon presented a preliminary concept map indicating the general route of the proposed Phase III of the West Fayetteville Bypass Project, identified as Project No. R-28b in the 2003 Transportation Plan. He reviewed certain details of the route but stressed that the plan being presented was merely a concept of the general path of the road and that detailed engineering, roadway design, and traffic studies would be needed in order for staff to proceed with initiating the project.

Commissioner Horgan made a motion to accept staff's recommendation for a concept alignment for Transportation Project R-28B, known as Phase III of the West Fayetteville Bypass Project; and authorization to proceed with engaging a design engineer to develop a traffic study, a preliminary roadway design, schedule, and cost estimate for the Project. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

- H. Consideration of staff's recommendation to abandon and then trade 5,004 sf of Waterlace Way right-of-way (ROW), 7,130 sf of former Lester Road ROW and 1,748 sf of County-owned property in the southwest corner of the Heritage Farm Road and Lester Road intersection.

Public Works Director Phil Mallon told the Board that he did not have all the information needed for the Board to take action on the request as presented but that he would like to have the Board vote to convey 39 square feet of unneeded right-of-way to an adjacent property owner, David Weekley Homes, who had worked with the County in acquiring right-of-way needed for Phase I of the West Fayetteville Bypass.

Commissioner Frady made a motion to approve Resolution No. 2010-23, constituting a conveyance of 39 square feet of right-of-way from Waterlace Way to David Weekley Homes, LLP, and to authorize the Chairman to execute said Resolution. Commissioner Horgan seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

- I. Consideration to adopt Resolution No. 2010-21 to approve conveyance of property along Phase I of the West Fayetteville Bypass.

County Attorney Scott Bennett advised the Board that as a part of the process of establishing the final alignment of Phase I of the West Fayetteville Bypass south of State Rout 54, an exchange of property was needed that would allow the County to have what it needed for the road, and which would provide the owner of the convenience store near the intersection of Lester Road and Highway 54 with a driveway off Lester Road. This driveway would be shared by the convenience store and the Postal facility nearby. The exchange would be of property of equal value and no exchange of funds would be needed.

Commissioner Horgan made a motion to approve Resolution No. 2010-21, constituting an exchange of property between the County and Trogger Enterprises, Inc. needed to complete a portion of the West Fayetteville Bypass, Phase I, and to authorize the Chairman to execute said Resolution. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

J. Consideration of Resolution No. 2010-22 to revise the local legislation pertaining to the Elections Board.

Commissioner Horgan made a motion to approve Resolution No. 2010-22 supporting the introduction of local legislation amending certain provisions related to the membership of the Fayette County Board of Elections, allowing for the confirmation of Board of Elections members by the Board of Commissioners; and authorization for the Chairman to execute said Resolution. Commissioner Frady seconded the motion. Commissioners Smith, Frady and Horgan voted in favor of the motion. Commissioner Maxwell opposed the motion. The motion carried 3-1. Commissioner Hearn was absent.

K. Discussion of contract renewal for the County Administrator and the County Attorney.

Commissioner Horgan made a motion at 9:08 p.m. to adjourn to Executive Session to discuss personnel items. Commissioner Frady seconded the motion and the vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

The Board reconvened the public meeting at 9:24 p.m. Commissioner Horgan made a motion to authorize the Chairman to execute the required Executive Session Affidavit stating that three personnel items had been discussed in Executive Session. Commissioner Frady seconded the motion which passed unanimously (4-0). Commissioner Hearn was absent.

Commissioner Horgan made a motion to enter into a new Employment Agreement with Scott Bennett, County Attorney and to authorize the Chairman to execute the Agreement. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

Commissioner Horgan made a motion to enter into a new Employment Agreement with Jack Krakeel, County Administrator and to authorize the Chairman to execute the Agreement. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

Commissioner Horgan made a motion that the County Clerk be placed under the County Administrator for the purpose of job performance evaluation and work flow management. Commissioner Frady seconded the motion. The vote in favor of the motion was unanimous (4-0). Commissioner Hearn was absent.

ADMINISTRATOR'S REPORT

None

ATTORNEY'S REPORT

None

STAFF REPORTS

None

BOARD REPORTS

Commissioner Maxwell thanked his fellow Board members, Constitutional officers, County employees and particularly Jack Krakeel for working well with him during his term. He said he had enjoyed his work as a County Commissioner.

Chairman Smith said it had been a pleasure to serve as County Commissioner. He thanked staff, particularly Jack Krakeel, Scott Bennett and Mary Holland for their work during his term. He thanked his fellow Board members for electing his Chairman for four years and wished everyone well.

Commissioner Frady thanked Mr. Maxwell and Mr. Smith for their service to Fayette County and congratulated them on the accomplishments of their term.

ADJOURNMENT

The meeting adjourned at 9:37 p.m.

Carol Chandler, Clerk